

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

JOHN RASH

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:20-CV-224-NBB-RP

LAFAYETTE COUNTY, MISSISSIPPI

DEFENDANT

**DEFENDANT’S RESPONSE IN OPPOSITION TO PLAINTIFF’S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

COMES NOW, Lafayette County, Mississippi, the Defendant in the above-styled and numbered cause, by and through counsel, and files its Response in Opposition to Plaintiff’s Motion for Partial Summary Judgment, and would state as follows:

1.

The Plaintiff’s Motion for Partial Summary Judgment should be denied in all respects. The present motion wrongly asserts that the Plaintiff is entitled to summary judgment as to these three issues: (1) whether the Circuit Courthouse grounds are a traditional or designated public forum, (2) whether the “dusk to dawn” restriction on the use of the Courthouse grounds is narrowly tailored to serve a significant governmental interest, and (3) whether the Facility Use Policy’s permit requirement constitutes an unconstitutional prior restraint. In Response, in order to avoid needless duplication, the Defendant incorporates the sections set forth in its Motion for Summary Judgment, included exhibits and supporting Memorandum of Authorities which address the same issues. The pending Cross Motion for Summary Judgment filed by the

Defendant, as well as the points and contentions set forth in the Memorandum of Authorities submitted in support of this Response, instead establish the Defendant's entitlement to summary judgment as to all issues.

2.

The Defendant incorporates Exhibits A thru X to the Defendant's Motion for Summary Judgment, the accompanying memorandum of authorities, Exhibit A to this Response, and the Memorandum of Authorities filed in support of the present Response.

3.

Wherefore, premises considered, the Defendant respectfully requests that this Court deny the present motion. The Defendant also requests any other relief which the court may find warranted in the premises.

THIS, the 22nd day of February, 2021.

Respectfully submitted,

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/s/ David D. O'Donnell
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CERTIFICATE OF SERVICE

I, David D. O'Donnell, hereby certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

This the 22nd day of February, 2021.

/s/ David D. O'Donnell

DAVID D. O'DONNELL, MSB# 3912

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